THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.33180 of 1997

Dated : 27.09.2007

Between:

Venkataiah S/o Buggappa

..... PETITIONER

And:

The District Revenue Officer, Mahabubnagar.

.....RESPONDENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.33180 of 1997

ORDER:

This writ petition is filed seeking a declaration that the order dated 31.03.1997 passed by the District Revenue Officer, Mahabubnagar, respondent herein, canceling the community certificate of the petitioner is arbitrary and illegal.

It is primarily contended by the petitioner that the impugned action of the respondent in cancelling the community certificate of the petitioner without following the procedure prescribed under the Andhra

Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short Act No.16 of 1993) as wells as the rules made thereunder is arbitrary and illegal.

It is to be noted that Act No.16 of 1993 came into force with effect from 15.05.1997, whereas the impugned order was passed much prior to that on 31.03.1997. As per the proviso to Section 5(1) of Act No.16 of 1993, where an enquiry into the genuineness of the community certificate issued prior to the commencement of Act No.16 of 1993 had commenced and pending on the commencement of Act No.16 of 1993, the record shall be transferred to the concerned District Collector and he shall continue the enquiry and conclude the same under Sub-section (1) of Section 5 of Act No.16 of 1993.

In the instant case, admittedly enquiry was not pending as on the date of commencement of Act No.16 of 1993. Hence, the contention of the petitioner that the impugned order was passed without following the procedure prescribed under Act No.16 of 1993 is untenable.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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27.09.2007

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